

CENTERVILLE MUNICIPAL CODE

PART FOURTEEN - BUILDING AND HOUSING CODE

TITLE TWO - Building Standards

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- Chap. 1422. Residential Code of Ohio for One, Two and Three Family Dwellings.
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CHAPTER 1420 Ohio Building Code

EDITOR'S NOTE: Resolution 25-85, passed September 16, 1985, authorized and directed the Manager to execute agreements with various political subdivisions of the County authorizing the Dayton Board of Building Appeals to hear and decide appeals from adjudication orders pertaining to the enforcement of the Ohio Building Code. Copies of such Resolution and agreements may be obtained, at cost, from the Clerk of Council.

CHAPTER 1420 Ohio Building Code

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| 1420.01 Current edition adopted. | 1420.05 Enforcement. |
| 1420.02 Purpose. | 1420.06 File and distribution copies. |
| 1420.03 Application. | 1420.07 Conflicts of laws. |
| 1420.04 Compliance; violations. | 1420.99 Penalty. |

CROSS REFERENCES

See section histories for similar State law
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Power to enact further and additional regulations - see Ohio R.C. 3781.01
 Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19
 Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.061, 3781.10(A), 3781.11(A)
Dead-bolt locks in apartment buildings - see Ohio R.C. 3781.103
Smoke detection system for apartments and condominiums - see Ohio R.C.
3781.104
Use of public buildings by handicapped persons - see Ohio R.C. 3781.111
Energy conservation - see Ohio R.C. 3781.181
Submission of plans - see Ohio R.C. 3791.04
Abandoned service stations - see Ohio R.C. 3791.11 et seq.
Safety standards for refuse containers - see Ohio R.C. 3791.21
Floodproofing standards - see B. & H. 1462.16

1420.01 CURRENT EDITION ADOPTED.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the Municipality the Ohio Building Code (cited as OBC) 2011 Edition, as adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce, effective November 1, 2011, and as published in Chapters 4101:1-1 through 4101:1-35 of the Ohio Administrative Code: the Ohio Mechanical Code, 2011 Edition (cited as OMC), as adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce and as published in Chapters 4101:2-1 through 4101:2-55 of the Ohio Administrative Code (cited as OAC); the Ohio Plumbing Code, 2011 Edition (cited as OPC), being the 2009 International Plumbing Code, Chapters 2 to 13, as published by the International Code Council, Inc., along with editorial changes adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce effective November 1, 2011 to be hereafter referred to as the Ohio Building Code.

(Ord. 13-98. Passed 4-20-98; Ord. 10-02. Passed 8-19-02; Ord. 8-06. Passed 4-17-06; Ord. 13-10. Passed 11-15-10; Ord. 20-11. Passed 11-21-11; Ord. 21-11. Passed 12-19-11.)

1420.02 PURPOSE.

The purpose of the Ohio Building Code, as adopted in Section 1420.01, is to:

- (a) Provide uniform minimum standards and requirements for the erection, construction, repair, alteration and maintenance of buildings, including construction of industrialized units, such standards relating to the conservation of energy, safety and sanitation of buildings for their intended use and occupancy;
- (b) Establish such requirements, in terms of performance objectives for the use intended;
- (c) Permit, to the fullest extent feasible, the use of materials and technical methods, devices and improvements, including the use of industrialized units, which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; and

- (d) Encourage, so far as may be practical, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.
(OAC 101.3) (Ord. 10-02. Passed 8-19-02; Ord. 13-10. Passed 11-15-10.)

1420.03 APPLICATION.

The OBC applies to all buildings except as follows:

- (a) Single-family, two-family and three-family dwelling houses which are not constructed of industrialized units, except for the energy conservation provisions required in “Chapter 13, Energy Conservation” of the OBC (see Ohio R.C. 3781.06, 3781.181 and 3781.182);
- (b) Buildings owned by and used for a function of the United States government;
- (c) Existing buildings where their location, parts, equipment and other items do not constitute a serious hazard, unless otherwise regulated by the provisions of “Chapter 34, Existing Structures” of the OBC;
- (d) Buildings constructed in accordance with plans which have been approved prior to the effective date of the OBC;
- (e) Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade. For the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty percent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller (see Ohio R.C. 3781.06 and 3781.061);
- (f) Agricultural labor camps as defined in Ohio R.C. 3733.41;
- (g) Single-family, two-family and three-family detached dwelling houses for which applications have been submitted to the Ohio Director of Human Services pursuant to Ohio R.C. 5104.03 for the purposes of operating type A family day-care homes as defined in Ohio R.C. 5104.01;
- (h) Buildings or structures which are designed, constructed and maintained in accordance with Federal standards and regulations and are used primarily for Federal and State military purposes where the U.S. Secretary of Defense, pursuant to 10 U.S.C. 2233(a)(1), (5) and (6) and 2237, has:
 - (1) Acquired, by purchase, lease or transfer, and constructs, expands, rehabilitates or corrects and equips, such buildings or structures as he or she determines to be necessary to carry out the purposes of Chapter 133 of the U.S.C.;
 - (2) Contributed to the State of Ohio such amounts for the acquisition, construction, expansion, rehabilitation and conversion by the State of Ohio of such additional buildings or structures as he or she determines to be required because of the failure of existing facilities to meet the purposes of Chapter 133 of the U.S.C.; or

- (3) Contributed to the State of Ohio such amounts for the construction, alteration or rehabilitation of arms storage rooms as he or she determines to be required to meet a change in U.S. Department of Defense standards relating to the safekeeping of arms.
(OAC 101.2 & 102.6) (Ord. 10-02. Passed 8-19-02.)

1420.04 COMPLIANCE; VIOLATIONS.

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Building Code is applicable, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto. (ORC 3791.01, 3791.02)

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of this chapter, Ohio R.C. Chapters 3781 and 3791 or the Ohio Building Code, or fail to comply with any lawful order issued pursuant thereto.
(ORC 3791.01, 3791.03)

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Building Code is applicable without complying with this chapter and the plan and specification submission and processing requirements of the Municipality, and until plans or drawings, specifications and data have been approved or the industrialized unit has been inspected at the point of origin. (ORC 3791.04)
(Ord. 10-02. Passed 8-19-02.)

1420.05 ENFORCEMENT.

(a) When the Municipality finds that work or equipment is contrary to this chapter, approved plans therefor or the Ohio Building Code, notice in writing shall be sent to the owner of the building involved or his or her agent. The notice shall state where and in what respect the work or equipment does not conform to such lawful requirements and shall specify a reasonable period of time in which to conform.
(OAC 104.3)

(b) Prior to enforcement of Ohio R.C. Chapters 3781 and 3791, or any rules adopted pursuant thereto, including the Ohio Building Code, as adopted in Section 1420.01, by any remedy, civil or criminal, the Municipality shall issue an adjudication order within the meaning of Ohio R.C. 119.06 to 119.13 or a stop work order as provided in Section 144 of the Ohio Administrative Code.

(c) Every adjudication order shall cite the law or rules directly involved and shall specify what appliances, site preparations, additions or alterations to structures, plans, materials, assemblages or procedures are necessary for the same to comply with Ohio R.C. Chapters 3781 and 3791 and/or any rules adopted pursuant thereto, including the provisions of the Ohio Building Code adopted in Section 1420.01.

(d) The order shall include notice to the party of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the notice. The notice shall also inform the party that at the hearing he or she may be represented by counsel, present his or her arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against him or her.

(e) Upon the issuance of any order provided for herein or in Section 114 of the Ohio Administrative Code, the person receiving such order shall cease work upon the site preparations or structure to be constructed, or, in the case of an industrialized unit, the installation of the unit, or shall cease using the appliance, materials, assemblages or manufactured product identified in the order until such time as the appeal provided for in accordance with the provisions of Ohio R.C. 3781.19, and all appeals from such hearing, have been completed, or the order herein has been released. (OAC 113.3)

(f) Failure to cease work after receipt of a stop work order as provided in Section 114 of the Ohio Administrative Code is hereby declared to be a public nuisance. (OAC 114.3) (Ord. 10-02. Passed 8-19-02.)

1420.06 FILE AND DISTRIBUTION COPIES.

At least one copy of the Ohio Building Code, as adopted in Section 1420.01, is on file with the Clerk of Council for inspection by the public. At least one copy of such Code is also on file in the Washington-Centerville Public Library. (Ord. 10-02. Passed 8-19-02.)

1420.07 CONFLICTS OF LAWS.

(a) Whenever a provision of the Ohio Building Code, as adopted in Section 1420.01, conflicts with a provision of the Ohio Fire Code, the NFPA 101 Life Safety Code or any other order, standard or rule of the Ohio Department of Commerce, Division of State Fire Marshal, the provision of the Ohio Building Code shall control, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict. (OAC 102.2; ORC 3781.11(B))

(b) Whenever a provision of the Ohio Building Code, as adopted in Section 1420.01, conflicts with a provision of any other standard technical code adopted by the Municipality, other than as provided in subsection (a) hereof, or any ordinance, resolution, rule or regulation of Council, the stricter standard shall prevail.

(c) When a special provision is made in a use group classification of the Ohio Building Code and is inconsistent with a general provision of the Ohio Building Code relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative.

(OAC 102.1)

(Ord. 10-02. Passed 8-19-02.)

1420.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)

CHAPTER 1422

Residential Code of Ohio for One, Two and Three Family Dwellings

EDITOR'S NOTE: This chapter, previously titled the "CABO One and Two Family Dwelling Code," was re-titled the "OBOA One, Two and Three Family Dwelling Code" upon the adoption of the 1996 OBOA Code by Ordinance 16-97, passed September 15, 1997.

Upon the adoption of Ordinance 22-00, passed November 20, 2000, which adopted the 1999 edition of the Ohio Residential Code, this chapter was re-titled the "Ohio Residential Code."

Upon the adoption of Ordinance 14-04, passed December 20, 2004, which adopted the 2004 edition of the Residential Code of Ohio for One, Two and Three Family Dwellings, this chapter was re-titled the "Residential Code of Ohio for One, Two and Three Family Dwellings."

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| <p>1422.01 Adoption; purpose; file and distribution copies.</p> <p>1422.02 Conflicts of laws.</p> | <p>1422.03 Amendments.</p> <p>1422.04 Access to toilet facilities.</p> <p>1422.99 Penalty.</p> |
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CROSS REFERENCES

Adoption of technical codes by reference - see CHTR. Sec. 5.06
 Power to regulate building erection - see Ohio R.C. 715.26
 Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261
 Ohio State building standards - see Ohio R.C. Ch. 3781; B. & H. Ch. 1420
 Submission of plans of public buildings - see Ohio R.C. 3791.04
 Fees for plan approval - see Ohio R.C. 3791.07
 Residential Board of Appeals - see ADM. Ch. 288
 Floodproofing standards - see B. & H. 1462.16

1422.01 2013 EDITION ADOPTED; PURPOSE; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Section 5.06 of the City Charter, that certain building code known as the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, 2013 Edition (RCO) as adopted by and as said RCO may be hereafter amended by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce, and as published in Chapter 4101:8- J through 4101:8-43 of the Ohio Administrative Code (OAC) and the Ohio Plumbing Code, 2011 Edition (OPC), being the 2009 International Plumbing Code, Chapters 2 to 13, as published by the International Code Council, Inc., along with editorial changes adopted by the Ohio Board of Building Standards, Division of Industrial Compliance, Ohio Department of Commerce effective November 1, 2011 is

hereby adopted as the official building code for the City for the purpose of establishing rules and regulations concerning construction, alteration, repair, addition to and occupancy of one, two and three-family dwellings in the City.

(Ord. 22-00. Passed 11-20-00; Ord. 14-04. Passed 12-20-04; Ord. 01-13. Passed 1-28-13; Ord. 02-13. Passed 2-18-13.)

(b) The Clerk of Council shall keep a complete copy of such Code on file for inspection by the public and shall also have copies available for distribution to the public, at cost. In addition, a complete copy of such Code shall be on file in the Washington-Centerville Public Library.

(Ord. 13-10. Passed 11-15-10.)

1422.02 CONFLICTS OF LAWS.

(a) In the event of a conflict between any of the provisions of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings and a provision of State law, the provision of State law shall control.

(b) In the event of a conflict between any of the provisions of the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings and a provision of any other standard or technical code adopted by the City by reference, the provision that establishes the higher or stricter standard shall control.

(Ord. 22-00. Passed 11-20-00; Ord. 14-04. Passed 12-20-04; Ord. 13-10. Passed 11-15-10.)

1422.03 AMENDMENTS.

The Residential Code of Ohio for One-, Two-, and Three-Family Dwellings, as adopted in Section 1422.01, is hereby amended as follows:

(a) Unsafe Buildings. See Title Eight - Property Maintenance Code, of this Building and Housing Code.

(b) Private Sewage Disposal Systems.

(1) Contents prohibited above ground. No privy vault, cesspool, septic tank, public or private sewer or drain receptacle for sewage or excreta shall be established, constructed, maintained and used, or permitted to remain and be used, so that the liquid or solid substances contained therein or intended to be contained therein shall be permitted to reach the surface of the ground or any street or gutter in the City.

(2) Plan approval; inspections. No privy vault, cesspool, septic tank, public or private sewer or drain receptacle for sewage or excreta shall be established or constructed in the City unless and until plans and specifications therefor have been submitted to and approved, in writing, by the County Health Commissioner. When the same has been constructed, it shall not be used for such purpose until there has been a final inspection and written approval made by the County Health Commissioner and until the same has been filed with the City Engineer.

(Ord. 22-00. Passed 11-20-00; Ord. 14-04. Passed 12-20-04; Ord. 13-10. Passed 11-15-10.)

1422.04 ACCESS TO TOILET FACILITIES

(a) All building sites for principal structures shall have ready access to adequate toilet facilities. Said toilet facilities shall be in place before the building floor or any wall is in place. Said toilet facilities shall normally be on-site, but they may be located up to 300 feet away if written permission is on file at the job site for use of said facilities.

(b) For purposes of this section, “building site” means a lot upon which there are no permanent buildings.

(Ord. 6-05. Passed 8-15-05.)

1422.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)

CHAPTER 1424
National Electrical Code

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| 1424.01 Adoption; purpose; file and
distribution copies. | 1424.02 Conflicts of laws.
1424.99 Penalty. |
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CROSS REFERENCES

Tampering with and theft of utilities - see GEN. OFF. 642.26
 Electric fences - see GEN. OFF. 660.12
 Electricity generally - see S.U. & P.S. Ch. 1046
 Electrical permit fees - see B. & H. 1442.04
 Registration of electrical contractors - see B. & H. Ch. 1444
 Electrical facilities in structures - see B. & H. 1480.02

1424.01 ADOPTION; PURPOSE; FILE AND DISTRIBUTION COPIES.

(a) Pursuant to Section 5.06 of the City Charter, that certain code known as the National Electric Code, 2014 Edition (cited as NFPA-70-2014) as published by the National Fire Protection Association save and except such portions as may be hereinafter deleted or amended, is hereby adopted by and for the City for the purpose of regulating the installation and maintenance of electrical systems and appliances in the City for structures regulated by the Ohio Building Code and that certain code known as the National Electric Code, 2011 Edition (cited as NFPA-70-2011), as published by the National Fire Protection Association save and except such portions as may be hereinafter deleted or amended, is hereby adopted by and for the City for the purpose of regulating the installation and maintenance of electrical systems and appliances in the City for structures regulated by Residential Code of Ohio for One, Two and Three Family Dwellings and is hereafter referred to as the National Electric Code.

(Ord. 5-99. Passed 4-19-99; Ord. 1-02. Passed 2-18-02; Ord. 13-04. Passed 12-20-04; Ord. 06-15. Passed 5-18-15; Ord. 07-15. Passed 6-15-15.)

(b) The Clerk of Council shall keep a complete copy of such Code on file for inspection by the public and shall also have copies available for distribution to the public, at cost. In addition, a complete copy of such Code shall be on file in the Washington-Centerville Public Library.

(Ord. 13-10. Passed 11-15-10; Ord. 20-11. Passed 11-21-11; Ord. 21-11. Passed 12-19-11.)

1424.02 CONFLICTS OF LAWS.

(a) In the event of a conflict between any of the provisions of the National Electrical Code and a provision of State law, the State law shall control.

(b) In the event of a conflict between any of the provisions of the National Electrical Code and a provision of any other technical code adopted by reference by the City, the higher or stricter standard shall control.

(Ord. 13-10. Passed 11-15-10.)

1424.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)

CHAPTER 1426
Demolition

1426.01 Demolition requirements.

1426.99 Penalty.

1426.01 DEMOLITION REQUIREMENTS.

(a) A certificate of approval from the City Planning Department must be obtained prior to the issuance of a demolition permit.

(b) Permits shall be obtained when any portion of a structure is removed, except for porches whose removal will have no effect on the structural integrity of the main structure. A demolition permit shall become invalid ninety days after its issuance, however, upon presentation of substantial reasons for incompleteness, the Chief Building Official may grant an extension for up to an additional thirty days.

(c) Permits for the demolition of commercial or residential buildings do not relieve the owner or contractor of the requirement to submit a "Notification of Demolition and Renovation" to the Regional Air Pollution Control Agency (RAPCA).

(d) Utility companies, the City and applicable County (Greene or Montgomery) agencies shall be notified for shut-off of services.

(e) Barricades shall be erected around the demolition site when required by the City Engineer, Chief Building Official or the Division of Police.

(f) A traffic plan shall be submitted prior to demolition for approval by the Engineering, Police and Fire Divisions.

(g) All sewer lines shall be capped as specified by the applicable County (Greene or Montgomery) agency and approved by a City inspector before backfill can proceed.

(h) All necessary precautions shall be taken to comply with the following:

- (1) No person may cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow particulate matter to become airborne in such quantities and concentrations that it remains visible in the ambient air beyond the premises where it originates.
- (2) No person shall cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne.

- (3) The City Engineer may require such reasonable measures as may be necessary to prevent particulate matter from becoming airborne including but not limited to paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover. All site excavations shall comply with the City Engineer's earth disturbance requirements in regards to the protection of storm water drains.
 - (4) When dust, fumes, gases, mist, odorous matter, vapors or any combination thereof escape from a building or equipment in such manner and amount as to cause a nuisance or to violate any provision of this section, the Chief Building Official may order that the building or equipment be tightly closed and ventilated in such a way that all air and gases and air or gas borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.
- (i) Approval shall be obtained from the Police and Fire Divisions prior to the use of explosives.
- (j) All buildings, structures and parts thereof, including foundation walls, columns, piers, partitions and retaining walls shall be removed to a level at least twenty-four inches below finish grade unless otherwise approved by the Chief Building Official.
- (k) Garage foundations and concrete slabs found in good condition may remain if approved by the Chief Building Official provided all anchor bolts and protrusions above grade level are removed.
- (l) Basement floors and in ground concrete slabs shall be broken-up.
- (m) Inspection of the excavation shall be made by a City inspector prior to backfill.
- (n) All demolition debris shall be quickly removed from the site. All lumber or materials kept for re-use shall be neatly stacked twelve inches aboveground.
- (o) On site burning of materials shall not be permitted.
- (p) All excavations and depressions shall be filled with inorganic material not exceeding sixteen inches by sixteen inches by sixteen inches in size. Backfill material and method of placement shall be approved and inspected by the City Engineer and Chief Building Official.
- (q) The Chief Building Official and City Engineer shall approve the final grading plan. Finished grade shall consist of a four-inch surface layer of soil, seeded and mulched to reduce the germination and propagation of weeds or noxious vegetation, and to prevent

fugitive dust conditions and soil erosion, unless otherwise approved by the Chief Building Official.

(r) All applicable State and City laws and ordinances shall be complied with in order to protect property and public health and safety.
(Ord. 13-10. Passed 11-15-10.)

1426.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)

- TITLE FOUR - Building Administration
- Chap. 1440. Administration, Enforcement and Penalty.
- Chap. 1442. Permit Fees.
- Chap. 1444. Registration of Heating, Ventilating, Air Conditioning and Electrical Contractors.

CHAPTER 1440
Administration, Enforcement and Penalty

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| <p>1440.01 Building Code defined.</p> <p>1440.02 Enforcement by Chief Building Official.</p> | <p>1440.03 Contracts with other political subdivisions.</p> <p>1440.04 Violations.</p> <p>1440.99 General Building Code penalty.</p> |
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CROSS REFERENCES

- Notice to Mayor or prosecuting attorney of refusal to examine buildings - see Ohio R.C. 737.35
- Inspections; access to buildings - see Ohio R.C. 737.36
- Power of legislative authority to regulate - see Ohio R.C. 737.37
- Ohio Building Code - see B. & H. Ch. 1420
- Ohio Residential Code - see B. & H. Ch. 1422
- National Electrical Code - see B. & H. Ch. 1424
- Property Maintenance Code administration, enforcement and penalty - see B. & H. 1480.02

1440.01 BUILDING CODE DEFINED.

As used in this Part Fourteen of this Municipal Code, the term “Building Code” means Titles Two, Four and Six of this Part Fourteen. The term “Building and Housing Code” means all of Part Fourteen. The term “Housing Code” means Title Eight of this Part Fourteen.

1440.02 ENFORCEMENT BY CHIEF BUILDING OFFICIAL.

(a) The Chief Building Official is hereby designated as the administrative official charged with the duties of administering and enforcing the provisions of this Building Code, and he or she is authorized and directed to cause all of the provisions of this Building Code to be carried out and, in connection therewith, he or she is authorized and directed to cause the prosecution of any violations of this Building Code.

(b) The Chief Building Official is ultimately responsible for the supervision of building inspectors and the activities of building inspection. The Chief Building Official is authorized to designate any member of the Division of Inspection, licensed by the State to act as a building inspector for the City, as his or her duly authorized representative to administer and enforce this Building Code.

1440.03 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS.

The Division of Inspection and the Manager are hereby authorized to enter into contracts with other municipalities, counties, health districts, political subdivisions, persons, firms or corporations, to undertake plans, approvals and inspections for the City. (Ord. 20-93. Passed 9-20-93.)

1440.04 VIOLATIONS.

No person shall violate any provision of this Building Code. (Ord. 20-93. Passed 9-20-93.)

1440.99 GENERAL BUILDING CODE PENALTY.

(a) Whoever violates any provision of this Building Code, for which no other penalty is provided, is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) Any person, firm or corporation violating any provision of Chapters 1420, 1422, 1424 and 1444 shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not less than thirty days nor more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 20-93. Passed 9-20-93; Ord. 14-10. Passed 11-15-10.)

CHAPTER 1442 Permit Fees

1442.01	Plan review fees.	1442.05	Surcharge for Ohio Building Code permits.
1442.02	Determination of value of work; fees.	1442.06	Provisions applicable to all permits.
1442.03	Miscellaneous building, mechanical, gas piping, and plumbing permit fees.	1442.99	Penalty.
1442.04	Electrical permit fees.		

CROSS REFERENCES

Notice to Mayor or prosecuting attorney of refusal to examine buildings - see Ohio R.C. 737.35

Approval of subdivisions prior to issuance of building permits - see P. & Z. 1222.06

Development permits in flood hazard areas - see B. & H. 1462.11, 1462.13(a)

Issuance of permits by Bureau of Fire Safety - see F.P. 1630.09 et seq.

1442.01 PLAN REVIEW FEES.

(a) The fee for all plan reviews shall be 110% of the current hourly rate of the City-designated Plans Examiner for each hour or part thereof.

(b) Plans for other than one, two and three-family residential uses shall bear the identification of the engineer or architect responsible for the provisions of safety and sanitation shown therein.

(c) The plan review fee is designed to reflect costs incurred for this service and is due even if a permit is not issued. The fee is nonrefundable.

(d) All plan review fees will be added to the permit fee and paid for with the permit. (Ord. 20-93. Passed 9-20-93; Ord. 14-10. Passed 11-15-10.)

1442.02 DETERMINATION OF VALUE OF WORK; FEES.

The determination of valuation under any of the provisions of this chapter shall be made by the Chief Building Official. The valuation to be used in computing permit fees shall be the total value of all construction work for which the permit is issued, excluding only work not covered by this permit, such as plumbing, electric, HVAC, sprinklers, alarms, etc.

Permit Fee Table

<u>Cost of Work to be Done</u>	<u>Permit Fee</u>
Up to \$1,000	\$50.00
\$1,001.01 - \$5,000	\$50.00 plus \$8.60 for each \$1,000 of cost or fraction thereof in excess of \$1,001.01
\$5,001.01 - \$100,000	\$93.00 plus \$7.75 for each \$1,000 of cost or fraction thereof in excess of \$5,001.01
\$100,001.01 - \$500,000	\$830.00 plus \$3.75 for each \$1,000 of cost or fraction thereof in excess of \$100,001.01
\$500,001.01 and over	\$2,330.00 plus \$3.00 for each \$1,000 of cost or fraction thereof in excess of \$500,001.01

(Ord. 20-93. Passed 9-20-93; Ord. 10-03. Passed 4-21-03; Ord. 10-08. Passed 8-18-08; Ord. 14-10. Passed 11-15-10; Ord. 15-11. Passed 11-21-11.)

**1442.03 MISCELLANEOUS BUILDING, MECHANICAL, GAS PIPING,
AND PLUMBING PERMIT FEES.**

Miscellaneous building, mechanical and plumbing permit fees are hereby established as follows:

Alarm systems (based on cost of construction)	min \$50.00
Commercial exhaust hoods (based on cost of construction)	min \$100.00
Limited area sprinklers (based on cost of construction)	min \$50.00
Full sprinklers (based on cost of construction)	min \$100.00
Duct extensions	\$40.00
Demolition	\$50.00
Occupancy Permit	
Residential	\$40.00
Commercial	\$100.00
Tent/Temp structure	\$50.00
Reinspection/lockout	\$100.00

For all other permits not specifically listed previously:

<u>Cost of Work to be Done</u>	<u>Permit Fee</u>
Up to \$1,000	\$50.00
\$1,001.01 - \$5,000	\$50.00 plus \$8.60 for each \$1,000 of cost or fraction thereof in excess of \$1,001.01
\$5,001.01 - \$100,000	\$93.00 plus \$7.75 for each \$1,000 of cost or fraction thereof in excess of \$5,001.01
\$100,001.01 - \$500,000	\$830.00 plus \$3.75 for each \$1,000 of cost or fraction thereof in excess of \$100,001.01
\$500,001.01 and over	\$2,330.00 plus \$3.00 for each \$1,000 of cost or fraction thereof in excess of \$500,001.01
(Ord. 22-97. Passed 12-15-97; Ord. 10-03. Passed 4-21-03; Ord. 10-08. Passed 8-18-08; Ord. 14-10. Passed 11-15-10; Ord. 15-11. Passed 11-21-11.)	

1442.04 ELECTRICAL PERMIT FEES.

Electrical permit fees are hereby established as follows:

<u>Cost of Work to be Done</u>	<u>Permit Fee</u>
Up to \$1,000	\$50.00
\$1,001.01 - \$5,000	\$50.00 plus \$8.60 for each \$1,000 of cost or fraction thereof in excess of \$1,001.01
\$5,001.01 - \$100,000	\$93.00 plus \$7.75 for each \$1,000 of cost or fraction thereof in excess of \$5,001.01

Cost of Work to be Done

\$100,001.01 - \$500,000

\$500,001.01 and over

Permit Fee

\$830.00 plus \$3.75 for each
\$1,000 of cost or fraction
thereof in excess of
\$100,001.01

\$2,330.00 plus \$3.00 for each
\$1,000 of cost or fraction
thereof in excess of
\$500,001.01

(Ord. 20-93. Passed 9-20-93; Ord. 10-03. Passed 4-21-03; Ord. 10-08. Passed 8-18-08; Ord. 15-11. Passed 11-21-11.)

1442.05 SURCHARGE FOR OHIO BUILDING CODE PERMITS.

After July 1, 1993, a three percent surcharge shall be added to all fees for permits under the Ohio Building Code. This fee shall be paid to the Building Division and will be sent on to the Ohio Board of Building Standards.

(Ord. 20-93. Passed 9-20-93.)

1442.06 PROVISIONS APPLICABLE TO ALL PERMITS.

(a) Fees for Reinspection. Permit fees provide for customary inspections only. Where additional inspections or trips are made necessary because of incomplete or faulty work, an incorrect address given, failure of the owner or agent to keep an appointment or similar reasons, no fee shall be charged for the first reinspection, but a fee of one hundred dollars (\$100.00) shall be charged for each additional reinspection or extra trip. This fee shall be paid by the holder of the permit before a reinspection is made. It is not the intent of this subsection to penalize others for the shortcomings of the constructor or installer.

(b) Fees for Commencing Work Prior to Permit Issuance. Where a permit is required for a particular type of work, and such type of work is commenced on a project before a permit has been obtained therefor, the Chief Building Official shall take necessary steps to determine whether work performed prior to the date of permit issuance and inspection conforms to this Building Code. The fee for making such necessary investigations prior to the issuance of a permit shall be equal to the fee for the permit and shall be in addition thereto, but in no event shall the fee for investigation prior to the issuance of a permit exceed two hundred fifty dollars (\$250.00). The payment of the aforesaid fees shall not relieve any person from fully complying with the requirements of this Building Code in the execution of the work nor from any penalty prescribed in this Building Code.

(c) Fees for Work Not Specifically Provided. The amount of fees for permits for regulated construction, appliances, equipment or devices, where fees are not specifically

provided, shall be assigned by the Chief Building Official to that classification which he or she considers most reasonable and appropriate.

(d) Fees for Changes and Additions to Plans and Specifications. Nothing shall prohibit the filing of changes and/or additions to plans and specifications at any time before the completion of work for which a permit has been granted, provided that such changes and/or additions are in compliance with these Codified Ordinances. Such changes and/or additions, after approval, shall be made a part of the plans and specifications and filed as such. If such changes and/or additions to the plans involve an increase in the cost of the work to be done, a fee shall be paid which will make the total fee the same as if figured for one permit. However, no refund of fee will be made if such changes involve a decrease in the cost of the work to be performed.

(Ord. 20-93. Passed 9-20-93; Ord. 10-03. Passed 4-21-03; Ord. 10-08. Passed 8-18-08; Ord. 15-11. Passed 11-21-11.)

1442.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)

CHAPTER 1444
Registration of Heating, Ventilating, Air Conditioning
and Electrical Contractors

1444.01 Purpose.	1444.05 Permit required to do work; fees; exceptions.
1444.02 Registration application; duration.	1444.07 Exceptions for contractors licensed in the County. (Repealed)
1444.03 Registration fee.	1444.99 Penalty.
1444.04 Revocation of registration; appeals.	

CROSS REFERENCES

Power to license electricians, plumbers, etc. - see Ohio R.C. 715.27
 Construction Industry Examining Board - see Ohio R.C. 4740.01 et seq.
 Ventilation - see GEN. OFF. 660.01; B. & H. 1480.02
 Heating facilities - see GEN. OFF. 660.01; B. & H. 1480.02
 National Electrical Code - see B. & H. Ch. 1424
 Mechanical permit fees - see B. & H. 1442.03
 Electrical permit fees - see B. & H. 1442.04
 Electrical facilities in structures - see B. & H. 1480.02

1444.01 PURPOSE.

It is the purpose of this chapter to establish and maintain a register of all persons, firms and corporations engaged or intending to engage in the installation or alteration of electrical services and equipment, in the installation or alteration of heating, air conditioning and ventilation equipment, in the installation or alteration of fuel gas piping or systems or those engaged or intending to engage in the installation or alteration of plumbing systems and equipment, in or on real property in the City.
 (Ord. 20-93. Passed 9-20-93; Ord. 14-10. Passed 11-15-10.)

1444.02 REGISTRATION APPLICATION; DURATION.

(a) Any firm, corporation, contractor, property owner or other person who or which engages or intends to engage in the installation or alteration of electrical services and equipment, heating, ventilating, air conditioning equipment, fuel gas piping systems and plumbing systems and equipment shall make application on a form provided by the Building Inspection Department. In addition to such other information as may be required by that Department, any firm, corporation, contractor or other person or persons desiring

a registration shall have and provide a copy of a valid Ohio License for that trade. One such form shall be completed every year in which the applicant intends to carry on such work in the City. Such an application may be filed on or after December 1 of the year preceding the year for which registration is being sought. Approved applications shall expire on December 31 of the year for which registration was obtained, regardless of when the application was made during such year.

Note: there is no individual registration for fuel gas piping. Both heating, ventilating, air conditioning and plumbing contractors are permitted to install and/or alter fuel gas piping systems.

(b) The owner of a single-family dwelling who performs electrical, heating, air conditioning, ventilating, fuel gas piping or plumbing work in the residence in which he or she resides or intends to reside, need not be registered. The owner shall sign an affidavit that he or she meets the residence requirements of this section.

(Ord. 20-93. Passed 9-20-93; Ord. 15-04. Passed 11-15-04; Ord. 16-04. Passed 12-20-04; Ord. 14-10. Passed 11-15-10.)

1444.03 REGISTRATION FEE.

There shall be a registration fee of one hundred fifty dollars (\$150.00) per annum per trade to be collected for each application for registration at the time the application is made. Any firm, corporation, contractor, property owner or other person who desires to register for multiple trades on a single application may receive the following discount: two trades two hundred fifty dollars (\$250.00); three trades three hundred fifty dollars (\$350.00) provided a copy of a valid Ohio License for each trade is presented with the application. There shall be no proration of the registration fee if the application is made after the commencement of the year for which it is to remain in force. Registration fees are non-refundable.

(Ord. 20-93. Passed 9-20-93; Ord. 15-04. Passed 11-15-04; Ord. 16-04. Passed 12-20-04; Ord. 14-10. Passed 11-15-10; Ord. 15-11. Passed 11-21-11.)

1444.04 REVOCATION OF REGISTRATION; APPEALS.

Electrical, heating, ventilating, air conditioning and plumbing registrations may be revoked by the Chief Building Official or his or her authorized representative for failure of the registrant to obtain proper permits, for failure to obtain proper inspections or for failure to comply with any lawfully issued order. Appeals of any revocation order may be made by the registrant upon a proper form supplied by the Building Inspection Department within ten days from the date of the order of revocation, and the appeal shall be to the City Manager, who shall review all information relating to the revocation as may be supplied by the Building Inspection Department, the registrant or any other interested person. The decision of the City Manager shall be final.

(Ord. 20-93. Passed 9-20-93; Ord. 15-04. Passed 11-15-04; Ord. 16-04. Passed 12-20-04; Ord. 14-10. Passed 11-15-10.)

1444.05 PERMIT REQUIRED TO DO WORK; FEES; EXCEPTIONS.

(a) No person, firm or corporation shall install or make alterations to any electrical, heating, air conditioning or ventilating equipment, fuel gas piping and /or plumbing systems in any building or at any site, prior to obtaining the necessary permits from the Building Inspection Department. All applications shall be made on a form provided by the Building Inspection Department. Fees for permits shall be as provided in Chapter 1442. No permit shall be issued to any person, firm or corporation to install or make alterations to electrical, heating, air conditioning or ventilating equipment, fuel gas piping or plumbing systems, unless such person, firm or corporation is on the register as provided in Section 1444.02.

(b) The owner of a single-family dwelling who performs electrical, heating, air conditioning, ventilating, fuel gas piping or plumbing work in the residence in which he or she resides or intends to reside, need not be registered. The owner shall sign an affidavit that he or she meets the residence requirements of this section.
(Ord. 20-93. Passed 9-20-93; Ord. 15-04. Passed 11-15-04; Ord. 16-04. Passed 12-20-04; Ord. 14-10. Passed 11-15-11.)

**1444.07 EXCEPTIONS FOR CONTRACTORS LICENSED IN THE
COUNTY. (REPEALED)**

(EDITOR'S NOTE: Section 1444.07 was repealed by Ordinance 15-04, passed November 15, 2004.)

1444.99 PENALTY.

(EDITOR'S NOTE: See Section 1440.99 for general Building Code penalty if no specific penalty is provided.)

TITLE SIX - Miscellaneous Building Regulations

EDITOR'S NOTE: The original miscellaneous building regulations were repealed by Ordinance 14-08, passed December 15, 2008, and were made part of the Unified Development Ordinance, available at the Centerville Municipal Building, Clerk's office or Planning Department.

TITLE EIGHT - Property Maintenance Code
Chap. 1480. Property Maintenance Code.

CHAPTER 1480
Property Maintenance Code

1480.01 2009 International Property Maintenance Code adopted. 1480.02 Regulations.

CROSS REFERENCES

Establishment of Division of Buildings and Grounds - see ADM. 230.08
Ventilation of heating facilities - see GEN. OFF. 660.01; B. & H. 1480.02
Littering - see GEN. OFF. 660.03, 660.035
Removal of objectionable matter - see GEN. OFF. 660.035
Filthy accumulations - see GEN. OFF. 660.04, 660.07
Deposit and storage of garbage and rubbish - see GEN. OFF. 660.07
Collection and disposal of garbage and rubbish - see S.U. & P.S. Ch. 1060
Outdoor illumination - see B. & H. Ch. 1468
Fire inspections and correction of violations - see F.P. Ch. 1620

**1480.01 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE
ADOPTED.**

The 2009 International Property Maintenance Code is hereby adopted as the Property Maintenance Code for the City of Centerville.
(Ord. 04-11. Passed 2-21-11.)

1480.02 REGULATIONS.

The following version of the 2009 edition of the International Property Maintenance Code is hereby adopted:

- (a) Chapter 1 Administration.
 - (1) Section 101 General.

101.1 Title. These regulations shall be known as the Centerville Property Maintenance Code, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements

and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(2) Section 102 Applicability.

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Ohio Basic Building Code, Ohio Revised Code, Residential Code of Ohio, and the National Electric Code as amended by the Centerville Municipal Code and the Centerville Unified Development Ordinance.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

102.7 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Official.

102.8 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(3) Section 103 Code Enforcement Department.

103.1 General. The Code Enforcement Department is hereby created and the executive official in charge thereof shall be known as the Code Official.

103.2 Appointment. The Code Official shall be appointed by the City Manager and shall serve at the will of the City Manager.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a Deputy Code Official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the Code Official.

103.4 Liability. The liability of the Code Official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall be governed by the provisions of Ohio R.C. Chapter 2744.

(4) Section 104 Duties and Powers of the Code Official.

104.1 General. The Code Official is hereby authorized and directed to enforce the provisions of this code. The Code Official shall have the authority to render interpretations

of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

104.4 Identification. The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders. The Code Official shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records. The Code Official shall keep official records of all business and activities of the department specified in the provisions of this code in accordance with the records retention policy of the City.

(5) Section 105 Approval.

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the Code Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the Code Official for the period required for retention of public records.

105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the Code Official.

105.5 Approved materials and equipment. Materials, equipment and devices approved by the Code Official shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(6) Section 106 Violations.

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The Code Official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor of the fourth degree and shall not be fined more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be certified to the County Auditor for collection, the same as other taxes and assessments are collected.

106.4 Violation penalties. Whoever violates any provision of this Code is guilty of a misdemeanor of the fourth degree and shall not be fined more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both, for each offense, and the violation shall be deemed a strict liability offense. An offense shall be deemed committed each day during or on which a violation occurs or continues.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.6 Informal resolution of violation. The Code Official may, at his or her discretion, attempt to informally resolve violations or suspected violations of this code without issuing the notices and orders in the manner prescribed below. The Code Official shall be encouraged to utilize this procedure to the extent practical to achieve compliance with this code.

106.7 Repeat violators. For the second violation of the same general character occurring not sooner than 20 days and not later than two years after the first violation, the notice provided for in Section 107.2 may be omitted and a violation notice that specifies that the violation shall be corrected within 24 hours after service of the notice of violation, served pursuant to Section 107.3, may be issued. If the violation is not corrected by the specified compliance date, appropriate action or proceeding may be instituted in a court of proper jurisdiction. For the third violation of the same general character occurring not sooner than 20 days and not later than two years after the first violation, appropriate action or proceeding may be instituted immediately in a court of proper jurisdiction without notification to the property owner.

(7) Section 107 Notices and Orders.

107.1 Notice to person responsible. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal to the Centerville Property Review Commission. If a property owner desires such an appeal, a notice of appeal must be filed with the Clerk of Council within five days from the receipt of the notice prescribed in Section 107.1.
6. When applicable, include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. A copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee,

mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official, and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(8) Section 108 Unsafe Structures and Equipment.

108.1 General. When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the Code Official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the Code Official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The Code Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record. The Code Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(9) Section 109 Emergency Measures.

109.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Centerville Property Review Commission, be afforded a hearing as described in this code.

(10) Section 110 Demolition.

110.1 General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(11) Section 111 Means of Appeal.

111.1 Centerville Property Review Commission.

111.1.1 Establishment. In order to execute the purpose declared in this code, there is hereby established a commission to be called the Centerville Property Review Commission (CPRC).

111.1.2 Composition. The CPRC shall consist of seven members appointed by City Council.

111.1.3 Residency. All members of the CPRC shall be residents of the City.

111.1.4 Terms of office. The term of office for each member of the CPRC shall be three years, except in the appointment of the first Commission. The first Commission appointed by City Council shall have the following terms: The first three members appointed shall have terms of three years; the terms of the next two members appointed shall be two years; and the terms of the next two members appointed shall be one year.

111.1.5 Compensation. Members of the CPRC shall serve without compensation.

111.1.6 Vacancies. City Council shall appoint a new member to fill the unexpired term of any CPRC member whose place has become vacant.

111.1.7 Removal from office. City Council shall have the power to remove any member of the CPRC from office for just cause.

111.1.8 Officers. A Chairperson shall be appointed by City Council from the members of the CPRC.

111.1.9 Terms of officers. The Chairperson shall serve a one-year term of office.

111.1.10 Meetings. The members of the CPRC shall hold as many meetings as may be necessary to carry out their duties.

111.1.11 Quorum. Four members of the CPRC shall constitute a quorum for the transaction of business.

111.1.12 Minutes. The CPRC shall keep or cause to be kept a record, which shall be open to the public, of its resolutions, proceedings, substantive arguments and actions.

111.1.13 Public meetings. All meetings of the CPRC shall be open to the public. Persons attending a meeting of the CPRC shall be given the opportunity to speak for or against any case before the CPRC.

111.1.14 Conflicts of interest. No member of the CPRC shall vote or participate in the discussion of any question before the CPRC in which he or she has a personal or pecuniary interest. All members of the CPRC are subject to the City's Code of Ethics as provided in Chapter 206 of the Administration Code.

111.1.15 Additional rules of procedure. The CPRC shall adopt additional rules of procedure as it deems necessary to conduct its business.

111.1.16 Review of suspected violations of environmental requirements. The CPRC may, at the request of the Code Official, review any suspected violations of this code referred to it by said Code Official and submit a written recommendation to the Code Official.

111.1.17 Review of violation orders when prosecution is requested. If the Code Official believes that an alleged violation of this code should be prosecuted, the Code Official shall issue a show cause order to the alleged violator advising him or her that he or she has five days from the receipt of the order to show cause, in writing, to the Clerk of Council as agent for the CPRC why the prosecution should not proceed. If the Clerk of Council receives a timely statement of cause from the alleged violator, the matter shall be referred to the CPRC for consideration by it at its next regular meeting and notice of such meeting shall be given to the alleged violator by the Clerk of Council. At its meeting to consider the alleged violator's statement of cause, the CPRC shall afford an opportunity to both sides to be heard and shall issue an order affirming, modifying or reversing the action of the Code Official, which order shall be final and not subject to appeal. If no timely statement of cause is filed by the alleged violator or if the CPRC affirms the order of the Code Official or modifies it in such a way that prosecution is appropriate, the Code Official shall refer the matter to the Department of Law for prosecution or such other action as the Municipal Attorney or his or her designee shall deem appropriate.

111.1.18 Hiring of consultants. The CPRC, with the approval of the Manager or the City Council, may, in special instances, temporarily retain the services of a consultant to assist the CPRC in performing its duties.

111.1.19 Additional powers. The CPRC shall have all additional powers granted by the City Council.

111.1.20 Appointment of staff assistants by Manager. The Manager shall appoint staff members as necessary to assist the CPRC.

111.1.21 Appeals to the City Council. Any person, firm or corporation, any officer, department, board or agency of the Municipality, or any interested elector of the Municipality, who or which has been aggrieved or affected by any decision of the CPRC, may petition for appeal from such decision to the City Council by filing the petition with the Clerk of Council within fifteen days from the date of the decision and setting forth the facts of the case. The Clerk of Council shall immediately inform the Manager and City Council of receipt of such petition.

Upon receipt of notification of the filing of said petition requesting an appeal, the City Council shall, within thirty days of said notification, determine by a majority vote of the entire membership of Council whether it will accept said petition for review. Said determination shall be at the sole discretion of City Council.

If the Council determines to accept said appeal, the Council shall hold a public hearing on such appeal not later than forty-five days after such appeal has been filed with its Clerk. A simple majority of the Council membership shall affirm, reverse or modify the decision appealed from, and its decision shall be final. In the event of an appeal to the City Council, all orders of the Code Official or the CPRC pertaining to that appeal shall be stayed pending a decision by the City Council.

111.2 Official records; public inspections. An official record shall be kept of all business and activities of the Centerville Property Review Commission and other departments and officials specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the Code Official to maintain the integrity and security of such records.

(12) Section 112 Stop Work Order.

112.1 Authority. Whenever the Code Official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work, or shall be posted in a conspicuous place in or about the structure affected by such notice. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as set forth in Section 106.4.

- (b) Chapter 2 Definitions.
 - (1) Section 201 General.

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the Ohio Building Code, Ohio Revised Code, Residential Code of Ohio, and the National Electric Code as amended by the Centerville Municipal Code and the Centerville Unified Development Ordinance, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

- (2) Section 202 General Definitions.

Anchored. Secured in a manner that provides positive connection.

Approved. Approved by the Code Official.

Basement. That portion of a building which is partly or completely below grade.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn. To adjudge unfit for occupancy.

Cord. A unit of volume used for measuring stacked firewood, equal to 128 cu. ft., usually specified as eight feet long, four feet wide, and four feet high.

Detached. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

Equipment support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

Exterior property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent danger. A condition which could cause serious or life-threatening injury or death at any time.

Infestation. The presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

Inoperable motor vehicle. A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Junk. Scrap metal, vehicular parts, or any dismantled, partially dismantled, non-operative, or discarded machinery, appliance, equipment, or boat, or part thereof, stored on exterior property areas outside of a completely enclosed structure. Any item

of tangible personal property designed to be used in an environment protected from the elements, such as inside a building, shall be presumed to be junk if the item is stored outside.

Labeled. Equipment, materials, or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

Let for occupancy or let. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Neglect. The lack of proper maintenance for a building or structure.

Occupancy. The purpose for which a building or portion thereof is utilized or occupied.

Occupant. Any individual living or sleeping in a building, or having possession of a space within a building.

Openable area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person. An individual corporation, partnership or any other group acting as a unit.

Pest elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.

Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming house. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Sleeping unit. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Strict liability offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

Structure. That which is built or constructed or a portion thereof.

Tarp. A temporary protective covering.

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

Ultimate deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent or less of the maximum strength.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard. An open space on the same lot with a structure.

(c) Chapter 3 General Requirements.

(1) Section 301 General.

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

(2) Section 302 Exterior Property Areas.

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds, vines or grass. All premises and exterior property shall be maintained free from weeds, vines and grass in accordance with Section 660.14 of the Centerville Municipal Code. Upon failure of the owner or agent having charge of a property to cut and destroy weeds, vines or grass after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and/or the remedy set forth in 660.14 of the Centerville Municipal Code.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations and in Section 660.07 of the Centerville Municipal Code, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of

major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Outside storage. In residential zones all outdoor storage for a continuous period exceeding fifteen days shall be effectively screened from view and storage of miscellaneous items must be within enclosed structures or screened as required in the Unified Development Ordinance. No person shall accumulate, cause to be accumulated, or allowed to be accumulated junk upon any property located within the City.

302.11 Use of tarps. The use of tarps is limited to a period not to exceed thirty days.

302.12 Storage of firewood. No firewood may be stored in a front yard. The storage of firewood is limited to six cords. Firewood must be stacked and piled in a reasonably compact and orderly fashion within the rear or side yard.

302.13 Brush piles. No brush pile may exceed the size of 2 by 2 by 4 feet. Brush piles are not permitted in a front yard and are limited to one per property.

302.14 Construction equipment. Unless construction equipment is actively being used for construction purposes on the property upon which the equipment is located, all construction equipment must not remain outside more than fifteen days.

302.15 Remedy vacant or unattended properties. Whenever the Code Official becomes aware of the existence of a vacant or unattended property which has not been maintained in a clean, safe and sanitary manner as described in Section 302.1, the Code Official shall give or cause to be given as provided in this code, to the owner of the property, written notice of such violation and requiring the unclean, unsafe or unsanitary conditions to be removed. If an owner fails to remove the unclean, unsafe or unsanitary conditions within the time specified on the notice and order, the Code Official may remove or cause to be removed the unclean, unsafe, unsanitary conditions and may employ the necessary labor to perform such work or cause it to be done by the appropriate City department.

All expenses incurred by the removal of the unclean, unsafe or unsanitary condition, together with an administrative charge of one hundred dollars (\$100.00) for each notice

processed, shall be reported to the Finance Director. The owner or owners shall be billed directly by certified or first class mail for the expenses incurred. If after thirty days, such amount remains unpaid, the Finance Director shall certify the total amount of the expenses, the name of the owner of the land and a sufficient description of the premises to the County Auditor, to be entered on the tax duplicate, to be a lien on the land from the date of entry and to be collected as other taxes and assessments returned to the City with the general fund.

302.16 Vegetation. All plant materials (especially trees and shrubs) which are dead, afflicted with decay, disease or insect infestation, or otherwise considered dangerous to other plant material or property, shall be removed or appropriately treated. All sound plant materials (especially trees and shrubs) shall be properly maintained.

302.17 Drainage ways. Owners are obligated to maintain drainage ways in the same manner as the rest of their property. These tasks include all normal and routine maintenance such as mowing grass and weeding, removing brush and other vegetation, removing obstructions such as fallen trees and limbs and policing their yards for litter and other debris. Drainage ways shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon and shall be maintained free from weeds, vines and grass in accordance with Section 660.14 of the Centerville Municipal Code.

(3) Section 303 Swimming Pools, Spas and Hot Tubs.

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(4) Section 304 Exterior Structure.

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects; veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the Code Official.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. All exterior lighting must be in safe working order. All exterior features must be kept in good repair and safe condition, including but not limited to, glass.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from April 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3. Every door available as an exit shall be capable of being opened from the inside.

304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(5) Section 305 Interior Structure.

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the Code Official.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(6) Section 306 Component Serviceability.

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;

- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.
- 3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. Detached, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the Code Official.

(7) Section 307 Handrails and Guardrails.

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

(8) Section 308 Rubbish and Garbage.

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Containers. Unless provided by the refuse hauler, the owner, operator, or occupant of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. Places of storage shall comply with the provisions of the Unified Development Ordinance.

(9) Section 309 Pest Elimination.

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by

approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(d) Chapter 4 Light, Ventilation and Occupancy Limitations.

(1) Section 401 General.

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Ohio Basic Building Code shall be permitted.

(2) Section 402 Light.

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor

to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, and stairways shall be illuminated at all times so that the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(3) Section 403 Ventilation.

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the Code Official.

2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Exception:

Listed and labeled condensing (ductless) clothes dryers.

(4) Section 404 Occupancy Limitations.

404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5m²).

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7m²). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

- (e) Chapter 5 Plumbing Facilities and Fixture Requirements
 - (1) Section 501 General.

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

- (2) Section 502 Required Facilities.

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code.

Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(3) Section 503 Toilet Rooms.

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(4) Section 504 Plumbing Systems and Fixtures.

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, backsiphonage, improper installation,

deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

(5) Section 505 Water System.

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Ohio Basic Building Code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(6) Section 506 Sanitary Drainage System.

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.

(7) Section 507 Storm Drainage.

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in any manner that creates a public nuisance.

(f) Chapter 6 Mechanical and Electrical Requirements.

(1) Section 601 General.

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

(2) Section 602 Heating Facilities.

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the Ohio Basic Building Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

(3) Section 603 Mechanical Equipment.

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(4) Section 604 Electrical Facilities.

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Ohio Basic Building Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or

installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturers representative indicates that the equipment has not sustained damage that requires replacement.

(5) Section 605 Electrical Equipment.

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one grounded-type receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(6) Section 606 Elevators, Escalators and Dumbwaiters.

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator, or be posted in a publicly conspicuous location approved by the Code Official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(7) Section 607 Duct Systems.

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(g) Chapter 7 Fire Safety Requirements.

(1) Section 701 General.

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(2) Section 702 Means of Egress.

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Fire Prevention Code.

702.2 Width of aisles. In all mercantile occupancies, the minimum clear-aisle width shall be forty-four inches (1,118 mm), except that in occupancies with an occupant load of fifty or less, the clear-aisle width shall be not less than thirty-six inches (914 mm).

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Fire Prevention Code.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with this code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

702.5 Accumulations and storage of waste, refuse or explosive or flammable materials.

702.5.1 Waste and refuse. Waste, refuse or other similar materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

702.5.2 Flammable and explosive materials. Highly flammable or explosive matter, such as paints, volatile oils or cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises, except in reasonable quantities consistent with normal usage.

702.5.3 Residential units in structures containing flammable liquids. A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flashpoint of 110°F (43°C) or lower, except as provided for in the Ohio Basic Building Code.

702.5.4 Storage in nonresidential structures. Storage of combustible or flammable materials is permitted in nonresidential structures, provided that such materials are confined to approved storage areas and comply with applicable requirements of the Ohio Basic Building Code and the Unified Fire Code as adopted in Section 1610.01 of the Fire Prevention Code, for the appropriate use group classification.

702.6 Exit signs. All exit signs shall be maintained, illuminated and visible.

702.7 Dual egress. Every residential building exceeding two stories in height above grade, not counting basements, shall be provided with not less than two approved independent exits from each floor above the second floor, fully accessible from each occupancy on the floor. One and two-family dwellings are excepted from this requirement.

(3) Section 703 Fire-resistance Ratings.

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(4) Section 704 Fire Protection Systems.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Fire Prevention Code.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Fire Prevention Code.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery back-up. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without removable finishes.

Appendix A Boarding Standard

(1) A101 General.

A101.1 General. All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

(2) A102 Materials.

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick wood structural panels complying with the International Building Code.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

(3) A103 Installation.

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.

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